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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/848,866	05/19/2004	Michael P. Hart	MS1-1991US	6205

22801   7590   04/02/2007
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EXAMINER
TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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lhptoms@leehayes.com

	Application No.	Applicant(s)
Office Action Summary	10/848,866	HART ET AL.
	Examiner	Art Unit	
	TuyetLien (Lien) T. Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/19/04*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 33 is objected to because of the following informalities: it is suggested that "this is

executable" recited in line 6 of the claim should be changed to "which is suggested".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 1-17, 25 and 32 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter.

As to claims 1 and 10, a "user interface" is being recited; however, as disclosed by the

specification, the interface is taught to be software, per se. A user interface claimed without a

computer storage medium capable of producing a useful, concrete and tangle result when used

in the computer system is computer software by itself. As such, it is believed that the system of

claim 1 is reasonably interpreted as functional descriptive material, per se.

As to claims 25 and 32, a "computer readable media" is being recited; however, as

disclosed by the specification (e.g., paragraph [0027]), the computer readable medium is not

taught to limit to physical and tangible storage device. Note that amending this claim to recite –

a computer storage medium would overcome the rejection for this claim in a manner consistent

with Applicant's specification.

Claims 2-9 and 11-17 fail to resolve the deficiencies of claims 1 and 10; therefore are

rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-7, 26-29, 32-36 and 40 are rejected under 35 U.S.C. 102(e) as being

anticipated by Reynolds et al. (Patent No US 6934963 B1; hereinafter Reynolds).

As to claim 1, Reynolds teaches:

A user interface (e.g., see Figs. 6-7) comprising a cycling display of a plurality of textual

representations of a plurality of content items (e.g., see col. 12 lines 3-28), wherein:

each said textual representation references a corresponding said content item (e.g., see

Figs. 6-7);

at least one said textual representations is selectable by a user to navigate to the

referenced said corresponding content item (e.g., see Fig. 6 and col. 15 lines 46-64); and

the cycling display of the plurality of textual representations is cycled without user

intervention (e.g., note that it is well known in the art that passive program guide displays

cycling program guide, see col. 1 lines 22-31 and col. 12 lines 3-28) such that at any one

particular time during a cycling of the cycling display, at least one said textual representation is

displayed on the cycling display while another said textual representation is not displayed on the

cycling display (e.g., program listings grid 88 may be scrolled continuously or have its pages

changed periodically to display program listings for additional channels, see col. 12 lines 3-28
and Figs. 3a-3b).

As to claim 26, Reynolds teaches:

A method comprising outputting a user interface by a client for display by a display
device (e.g., a method for providing a hybrid passive-interactive television program guide, see
col. 27 lines 14-15 and Fig. 2b), wherein:

the user interface, when displayed, includes a plurality of representations of a plurality of
content items (e.g., see Figs. 6-7);

each said representation references a corresponding said content item (e.g., see Figs.
6-7);

one or more said representations, when displayed, are selectable by a user to navigate
to the referenced corresponding said content item (e.g., see Fig. 6 and col. 15 lines 46-64); and

when the outputting has occurred for a predetermined amount of time, during which, an
input has not been received from a user, the method further includes cycling one or more of the
plurality of representations for output in the user interface (e.g., note that it is well known in the
art that passive program guide displays cycling program guide when an input has not been
received from the user for a predetermined amount of time, see col. 1 lines 22-31 and col. 15
lines 1-13).

As to claim 33, Reynolds teaches:

A client (e.g., see Figs. 2a-2d) comprising:

network interface means for providing a communicative coupling to a network (e.g., see
Fig. 1 and Figs. 2a-2d and col. 7 lines 56-65);

an output interface means for providing a communicative coupling to a display device

(e.g., see Figs. 2a-2d and col. 8 lines 40-53);

means for processing (e.g., col. 8 lines 1-5); and

memory means for maintaining a navigation application this is executable on the

processor to provide an output of a user interface at the output interface means (e.g., see col.

12 lines 50-62), wherein:

the user interface (e.g., see Figs. 6-7), when output, includes a display of a

plurality of representations of a plurality of content items that are cycled without user

intervention such that at any one particular time (e.g., note that it is well known in the art

that passive program guide displays cycling program guide, see col. 1 lines 22-31 and

col. 12 lines 3-28), at least one said representation is displayed while another said

representation is not displayed (e.g., program listings grid 88 may be scrolled

continuously or have its pages changed periodically to display program listings for

additional channels, see col. 12 lines 3-28 and Figs. 3a-3b);

each said representation references a corresponding said content item (e.g., see

Figs. 6-7);

at least one said content item is for receipt at the network interface means (e.g.,

see col. 2 lines 6-24); and

one or more said representations are for selection by a user to navigate to the

referenced corresponding said content item (e.g., see Fig. 6 and col. 15 lines 46-64).

As to claim 2 and 27, Reynolds further teaches wherein the cycling display of the

plurality of textual representations is cycled such that after each said textual representation has

been displayed on the cycling display, at least one said textual representation is displayed again

on the cycling display (e.g., note that it is well known in the art that passive program guide

displays cycling program guide that is at least one item is displayed again on the cycling display,

see col. 1 lines 22-31 and col. 12 lines 3-28).

As to claim 3 and 29, Reynolds further teaches wherein the one or more said textual

representations are for selection by a user to navigate to the referenced corresponding said

content item (e.g., see Fig. 6 and col. 15 lines 46-64) via another said textual representation

having additional descriptive data (e.g., see Figs. 13-14 and Fig. 10):

describes the referenced corresponding said content item (e.g., see Fig. 10); and

is not included in the one or more said representations (e.g., note that Fig. 10 shows a

review or story line of the item "Terminator" which is not included in the Fig. 13).

As to claim 4, Reynolds further teaches at least one said content item is video (e.g., see

Fig. 15).

As to claim 5, Reynolds further teaches at least one said content item includes text

(e.g., see Fig. 8b).

As to claim 6, Reynolds further teaches at least one said content item is a news article

(e.g., see Fig. 13) and the corresponding said textual representation that references the at least

one said content item is a headline of the news article (e.g., "The Making of Titanic" as shown in

Fig. 13).

As to claim 7, Reynolds further teaches comprising a video portion for continuing an

output of one said content item which was output during receipt of an input from the user to

initiate execution of the user interface on a client (e.g., see Figs. 12-13).

As to claim 28, Reynolds further teaches wherein the cycling is performed such that at

any one particular time (e.g., note that it is well known in the art that passive program guide

displays cycling program guide, see col. 1 lines 22-31 and col. 12 lines 3-28), at least one said

representation is not displayed while another said representation is displayed (e.g., program

listings grid 88 may be scrolled continuously or have its pages changed periodically to display

program listings for additional channels, see col. 12 lines 3-28 and Figs. 3a-3b).

As to claim 32, Reynolds further teaches one or more computer readable media

comprising computer executable instruction that, when executed on a computer, direct the

computer to perform the method as recited in claim 26 (e.g., see col. 13 lines 54-60 and col. 8

lines 1-5).

As to claim 34, Reynolds further teaches the at least one said content item is a

television program (e.g., see Figs. 3a-3b).

As to claim 35, Reynolds further teaches wherein another said content item is stored in

the memory means (e.g., see col. 2 lines 31-39 and see Fig. 2b and col. 13 lines 21-35).

As to claim 36, Reynolds further teaches the plurality of representations are cycled

when an input has not been received from the user for a predetermined amount of time (e.g.,

note that it is well known in the art that passive program guide displays cycling program guide

when an input has not been received from the user for a predetermined amount of time, see col.

1 lines 22-31 and col. 15 lines 1-13).

As to claim 40, Reynolds further teaches comprising an input interface means for

receiving an input from an input device, wherein the input is for selecting the one or more said

representations to navigate to the referenced corresponding said content item (e.g., see Fig. 2b

and col. 14 lines 46-59).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

7.   Claims 9-17, 30-31 and 38-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Reynolds in view of Swix et al (Patent No. US 6499138 B1; hereinafter Swix).

        As to claim 10, Reynolds teaches:

        A user interface comprising a plurality of representations on a display (e.g., see Figs. 9a-

13), wherein:

        each said representation references a corresponding content item (e.g., see Figs. 9a-

13);

each said content item has a plurality of characteristics (e.g., channel number, start time, title, duration, category such as movie or news, see Figs. 9a-10);

a first grouping of said representations has a matching first characteristic, one to another (e.g., see col. 18 lines 11-17 and Figs. 12-13; note that from main menu shown in Fig. 12 a user can select to display a first group of textual representation that has a matching first characteristic such as time, channel, movies, sports, ...the resulting first group is shown in Fig. 13);

the first grouping of said representations is displayable in succession on the display without user interaction such that at least one said representation in the first grouping is displayed while another said representation in the first grouping is not displayed (e.g., see Fig. 13; note that passive program guide may be scrolled continuously or have its pages changed periodically to display program listings for additional channels, see col. 1 lines 22-31 and col. 12 lines 3-28);

at least one said representation of the first grouping is selectable by user interaction to cause further information to be displayed on the display (e.g., see col. 18 lines 50-57 and Figs. 10, 14).

However, Reynolds does not expressly teach that at least one said representation of the first grouping is selectable to cause a second grouping of representations to be displayed and that each said representation in the second grouping references a respective said content item having a matching second said characteristic, one to another.

In the same field of endeavor of providing information about available program listing guide (e.g., see Swix Abstract), Swix teaches:

a user interface comprising a plurality of representations on a display for presenting information related to available programming to a viewers; wherein each said representation

references a corresponding content item and that each said content item has a plurality of

characteristic (e.g., see Figs. 6-7); and

a first grouping of said representations has a matching first characteristic, one to another

(e.g., see Fig. 6; note that all the items in the interface 100 has the same characteristic of "All

SHOWS");

at least one said representation of the first grouping is selectable by user interaction to

cause a second grouping of said representations to be displayed on the display (e.g., see Fig.

6); and

each said representation in the second grouping references a respective said content

item having a matching second said characteristic, one to another (e.g., see Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have used the electronic programming guide as taught by Swix to the hybrid passive-

interactive television program guide as taught by Reynolds to create a program guide that

provides a viewer with information about the availability of programs of a particular type or

related to a common characteristic. The motivation to combine Swix's teaching with Reynolds'

teaching is to make it easier and convenient for a viewer to search for a program to view.

As to claims 8, 30 and 38, Reynolds teaches the limitation of claim 1 for the same

reasons as discussed with claim 1 above. Reynolds further teaches:

each said content item has a plurality of characteristics (e.g., channel number, start time,

title, duration, category such as movie or news, see Figs. 9a-10);

a first grouping of said textual representations have a matching first characteristic, one to

another (e.g., see col. 18 lines 11-17 and Fig. 13).

Swix further teaches:

a user interface comprising a plurality of representations on a display for presenting

information related to available programming to a viewers; wherein each said representation

references a corresponding content item and that each said content item has a plurality of

characteristic (e.g., see Figs. 6-7); and

a first grouping of said representations has a matching first characteristic, one to another

(e.g., see Fig. 6; note that all the items in the interface 100 has the same characteristic of "All

SHOWS");

at least one said representation of the first grouping is selectable by user interaction to

cause a second grouping of said representations to be displayed on the display (e.g., see Fig.

6); and

each said representation in the second grouping references a respective said content

item having a matching second said characteristic, one to another (e.g., see Fig. 6). Thus,

combining Swix and Reynolds would meet the claimed limitations for the same reasons as

discussed with respect to claim 10 above.

As to claims 9, 14, 31 and 39, Reynolds further teaches the characteristics are selected

from the group consisting of:

a title; a story line; a textual description; a production credit; a critic's opinion; a review; a

recommendation; a duration; a start time; a stop time; a genre; a rating; a performer; a director;

user specific metadata; and a combination of the foregoing (e.g., note that from Fig. 12 a user

can select to display a list of textual representation by category or genre, a start or stop time, or

a user can even search).

As to claim 11, Swix further teaches the second said characteristic is different from the first said characteristic (e.g., see Fig. 6). Thus, combining Swix and Reynolds would meet the claimed limitations for the same reasons as discussed with respect to claim 10 above.

As to claim 12, Swix further teaches the second said characteristic is different from the first said characteristic; and each said content item referenced in the second grouping does not have the first said characteristic that matches, one to another (e.g., see Fig. 6; note that items in the group 118 has different characteristic such as local news, national news). Thus, combining Swix and Reynolds would meet the claimed limitations for the same reasons as discussed with respect to claim 10 above.

As to claim 13, Swix further teaches the second said characteristic is different from the first said characteristic; and each said content item referenced in the second grouping has the first said characteristic that matches, one to another (e.g., see Fig. 6; note that items relates to "ALL NEWS"). Thus, combining Swix and Reynolds would meet the claimed limitations for the same reasons as discussed with respect to claim 10 above.

As to claim 15, claim 15 is in the same context as claim 6; therefore is rejected under similar rationale.

As to claim 16, Reynolds further teaches at least one said content item is available from a network connection (e.g., see col. 2 lines 7-30).

As to claim 17, Reynolds further teaches at least one said content item is stored locally on a client that outputs the user interface (e.g., see col. 2 lines 31-39 and see Fig. 2b and col. 13 lines 21-35).

8.   Claims 18-23, 25 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reynolds in view of Knudson et al (Patent No US 6526577 B1; hereinafter Knudson).

       As to claims 18 and 37, Reynolds teaches:

       A method (e.g., a method for providing a hybrid passive-interactive television program

guide, see col. 27 lines 14-15) comprising:

       receiving an input at a client to initiate a user interface (e.g., see col. 15 lines 1-25); and

       forming the user interface for output by the client (e.g., see Figs. 8a-8b), wherein the

user interface:

              is for display in a dedicated viewing area of a display device (e.g., see Fig. 8a);

       and when displayed, includes:

                     a video portion (e.g., Sports Talk Show shown in the upper half of the

              display screen, see Fig. 8a); and

                     a representation portion for display of a plurality of textual representations

              of a plurality of content items for output by the client (e.g., passive program listing

              in the lower half of the display screen, see Fig. 8a).

       However, Reynolds fails to teach that the input to initiate the user interface is received

during an output of video content by the client. In the same field of endeavor of providing an

interactive television program guide (e.g., see Knudson Fig. 8), Knudson teaches while

watching a movie, a program guide is displayed in response to an indication by the user that the

user wishes to browse through programming listing and that displaying a video portion for

continuing the output of the video content (e.g., see Figs. 8-9 and col. 10 lines 10-17).

       It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have used the feature of allowing a user to initiate the user interface as taught by

Knudson to the hybrid passive-interactive television program guide as taught by Reynolds to

create an enhanced program guide in which users are allowed to continue to watch television

while viewing program guide data. The motivation to combine Reynolds' teaching with

Knudson's teaching is to provide an interactive television program guide system in which users

are provided with easier access to various program guide functions through an enhanced user

interface (e.g., see Knudson col. 1 lines 33-43).

As to claim 19, Reynolds further teaches:

each said textual representation references a corresponding said content item (e.g., see

Figs. 6-7); and

one or more said textual representations, when output, are selectable by a user to

navigate to the referenced corresponding said content item (e.g., see Fig. 6 and col. 15 lines 46-

64).

As to claim 20, Reynolds further teaches wherein the dedicated viewing area includes

one or more controls that are configured to at least one of close, resize, maximize, minimize, or

hide the dedicated viewing area (e.g., see Figs. 6-7 and col. 16 lines 11-22).

As to claim 21, Reynolds further teaches the video content is streamed from a head

end to the client (e.g., see Fig. 2b and col. 13 lines 21-35).

As to claim 22, Reynolds further teaches the video content is stored locally on the client

(e.g., see col. 2 lines 31-39 and see Fig. 2b and col. 13 lines 21-35).

As to claim 23, Reynolds further teaches comprising outputting the formed user

interface for display by a display device (e.g., see Figs. 2a-2d and col. 8 lines 40-53).

As to claim 25, Reynolds further teaches one or more computer readable media comprising computer executable instruction that, when executed on a computer, direct the computer to perform the method as recited in claim 18 (e.g., see col. 13 lines 54-60 and col. 8 lines 1-5).

9.   Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Knudson further in view of Swix.

As to claim 24, Reynolds and Swix teach the limitation of claim 18 for the same reasons as discussed with claim 18 above. Reynolds further teaches receiving a second input, at the client, to select one said textual representation to cause further information to be displayed on the display (e.g., see col. 18 lines 50-57 and Figs. 10, 14).

However, Reynolds does not expressly teach that upon selecting one said textual representation, outputting an additional said representation, wherein the additional said textual representation is selectable by the user to navigate to the referenced corresponding said content item of the selected one said textual representation.

Swix further teaches:

a user interface comprising a plurality of representations on a display for presenting information related to available programming to a viewers; wherein each said representation references a corresponding content item and that each said content item has a plurality of characteristic (e.g., see Figs. 6-7); and

a first grouping of said representations has a matching first characteristic, one to another (e.g., see Fig. 6; note that all the items in the interface 100 has the same characteristic of "All SHOWS");

at least one said representation of the first grouping is selectable by user interaction to

cause a second grouping of said representations to be displayed on the display (e.g., see Fig.

6); and

each said representation in the second grouping references a respective said content

item having a matching second said characteristic, one to another (e.g., see Fig. 6). Thus,

combining Reynolds, Knudson and Swix would meet the claimed limitations for the same

reasons as discussed with respect to claims 18 and 10 above.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in

the references as applied to the claims above for the convenience of the applicant. Although

the specified citations are representative of the teaching of the art and are applied to the specific

limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The

examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

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automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T   Lien Tran
3/21/2007   Examiner
                                                       Art Unit 2179

BA HUYNH
PRIMARY EXAMINER